

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**BARBARA MIHALICH, individually and  
on behalf of all others similarly situated,**

**Plaintiff,**

**vs.**

**JOHNSON & JOHNSON and JOHNSON  
& JOHNSON CONSUMER COMPANIES,  
INC.,**

**Defendants.**

**Case No. 14-cv-600-DRH-SCW**

**Order**

Now before the Court is Defendants' August 11, 2014 motion to dismiss (Doc. 17) plaintiff's complaint (Doc. 2) pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(6), and 9(b).

As of today's date, plaintiff has not responded to the motion to dismiss. Pursuant to Local Rule 7.1(c), the Court considers the failure to respond as an admission of the merits of the motion to dismiss.<sup>1</sup> Accordingly, the Court **GRANTS** the motion to dismiss. The Court **DISMISSES with prejudice** plaintiff's complaint. Further, the Court **DIRECTS** the Clerk of the Court to

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<sup>1</sup>Local Rule 7.1(c) provides in part: "Failure to timely file a response to a motion may, in the Court's discretion, be considered an admission of the merits of the motion."

enter judgment reflecting the same.

**IT IS SO ORDERED.**

Signed this 19th day of September, 2014.

 Digitally signed by  
David R. Herndon  
Date: 2014.09.19  
16:19:59 -05'00'



**Chief Judge  
United States District Court**